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CARRIERS — PERSONAL INJURIES TO PASSENGERS — JUSTIFICATION FOR ASSAULTS AND INSULTS BY SERVANTS. — A passenger on a street car by abusive language provoked an assault from the defendant's motorman. *Held*, that the passenger cannot recover. *Binder v. Georgia Ry. & Electric Co.*, 79 S. E. 216.

The peculiar Georgia rule that insult is justification for assault brings into issue the question whether a justification to one of its servants as an individual will excuse a breach of public duty on the part of the company. For discussion see NOTES, p. 171.

CONFLICT OF LAWS — JURISDICTION FOR DIVORCE — EXTRATERRITORIAL VALIDITY OF DIVORCE GRANTED WITHOUT PERSONAL SERVICE. — A deserted wife stayed in South Dakota long enough to establish a separate domicile by the law of that state and obtained there a decree of divorce without personal service on the husband. The defendant, having subsequently married her, was sued by her former husband for criminal conversation. *Held*, the plaintiff had a cause of action. *Berney v. Adriance*, 142 N. Y. Supp. 748.

A decree of divorce operates *in rem* on the status of the petitioner. *Atherton v. Atherton*, 181 U. S. 155, 21 Sup. Ct. 544; *Ditson v. Ditson*, 4 R. I. 87. For this reason the great weight of authority is that personal jurisdiction over the defendant in a divorce action is not necessary. All that is necessary is sufficient notice of the suit. *Felt v. Felt*, 59 N. J. Eq. 606, 45 Atl. 105; *Ditson v. Ditson*, *supra*. New York, however, now with the backing of the United States Supreme Court, holds that it is not required by the "full faith and credit" clause of the Constitution to recognize as valid a decree of divorce rendered in another state than the domicile of matrimony, unless based on personal service. *Winston v. Winston*, 165 N. Y. 553, 59 N. E. 273; *Haddock v. Haddock*, 201 U. S. 562, 26 Sup. Ct. 525. The South Dakota decree in the principal case being invalid from the point of view of New York, it therefore follows that the husband had existing marital rights infringed by the defendant. For a criticism of this theory see 19 HARV. L. REV. 586.

CONFLICT OF LAWS — RECOGNITION OF FOREIGN JUDGMENTS — JUDGMENT AGAINST CO-RESPONDENT BASED ON CONSTRUCTIVE SERVICE. — The plaintiff brought divorce proceedings in India, the *situs* of the marriage, and under a statute joined the defendant as co-respondent. The defendant, an English subject, and domiciled in England, had left India before the suit was brought, the writ being served on him in England by registered post, according to the requirements of the Indian statute. The divorce was granted, and at the same time judgment for a large sum of money was entered against the defendant. The plaintiff brought suit on this judgment in England. *Held*, that he may recover. *Phillips v. Batho*, [1913] 3 K. B. 25.

At common law the courts of one jurisdiction will enforce judgments obtained in foreign jurisdictions when the judgment has imposed a valid obligation on the defendant. Except where there has been express or implied consent to the foreign jurisdiction, a judgment does not usually create a valid personal obligation in the absence of personal service within the jurisdiction even though the foreign laws as to constructive service are complied with. *Sirdar Gurdial Singh v. Rajah of Faridkote*, [1894] A. C. 670; *McEwan v. Zimmer*, 38 Mich. 765. The obligation, however, is valid in such a case if the defendant was a subject of the foreign sovereign, *Douglas v. Forrest*, 4 Bing. 686; or probably if he was domiciled there. *Henderson v. Staniford*, 105 Mass. 504; *Hunt v. Hunt*, 72 N. Y. 217. Judgment in actions *in rem* may be binding as to the disposition of the *res* without personal service on the defendant when rendered by a court of a sovereign within whose territory the *res* lies. *The Belgenland*, 114 U. S. 355. Judgments for divorce rendered at the *situs* of the marriage